

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LARRY GENE HEGGEM,	)	CASE NO. C08-0070-MJP-MAT
	)	
Plaintiff,	)	
	)	
v.	)	ORDER DENYING PLAINTIFF'S
	)	REQUEST FOR COURT ORDERED
JAMES CONGDON,	)	PHYSICAL AND MENTAL
	)	EVALUATION
Defendant.	)	
_____	)	

This matter comes before the Court on plaintiff's request for an order directing that specified physical and mental health evaluations be conducted. The Court, having reviewed plaintiff's request, and the balance of the record, does hereby find and ORDER as follows:

(1) Plaintiff's request for an order directing that physical and mental health evaluations be conducted on him (Dkt. No. 24) is DENIED. Plaintiff seeks a court order, in accordance with Rule 35 of the Federal Rules of Civil Procedure, directing that he be examined by a podiatrist and that he receive complete physical and mental health evaluations. However, plaintiff misconstrues the purpose of Rule 35. Rule 35 is intended for use by opposing parties when the physical condition of a litigant is at issue. It cannot be used by plaintiff to obtain the relief that he is seeking in his lawsuit.

(2) The Clerk is directed to send copies of this Order to plaintiff, to counsel for

01 defendant, and to the Honorable Marsha J. Pechman.

02 DATED this 17th day of June, 2008.

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04 Mary Alice Theiler  
05 United States Magistrate Judge  
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